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***Via Certified Mail -
Return Receipt Requested***

November 10, 2015

Larry Kurzweil - President and Chief Operating Officer
Universal Studios Hollywood
Universal Studios LLC
Corporate Office and Headquarters
100 Universal City Plaza
Universal City, CA 91608

Steven B. Burke - Chief Executive Officer
NBC Universal LLC
100 Universal City Plaza
Universal City, CA 91608

Brian L. Roberts - Chairman and CEO
Comcast Corporation
Comcast Center
1701 JFK Boulevard
Philadelphia, PA 19103

Re: Notice of Violations and Intent to File Suit Under the Clean Water Act

Dear Messrs. Kurzweil, Burke and Roberts:

NOTICE

The Clean Water Act ("CWA" or "Act") § 505(b), 33 U.S.C. § 1365(b) requires that sixty (60) days prior to the initiation of a civil action under CWA § 505(a), 33 U.S.C. § 1365(a), a citizen must give notice of the intent to sue to the alleged violator with copy to the Environmental Protection Agency ("EPA") and the water pollution control agency for the State in which the violations occur. If the alleged violator is an individual or corporation,

service of notice shall be accomplished by certified mail addressed to, or by personal service upon, the owner or managing agent with a copy sent to the registered agent of the corporation.

This Notice is provided on behalf of California River Watch ("River Watch") in regard to violations of the Act, 33 U.S.C. § 1251 *et seq.*, that River Watch believes are occurring as a result of industrial operations taking place at Universal Studios Hollywood, 100 Universal City Plaza in Universal City, California. These enumerated violations are based upon River Watch's own investigations, review of the RWQCB-LA files for the Site, interviews with area residents, and review of other files publically available.

River Watch hereby places Universal Studios Hollywood, Universal Studios LLC, NBCUniversal LLC, and Comcast Corporation, hereafter collectively referred to as the "Discharger," on notice that in the absence of River Watch and the Discharger resolving the environmental concerns identified in this Notice, and following the expiration of sixty (60) days from the date of this Notice, River Watch will have cause to file suit in the Federal District Court against the Discharger. By this Notice River Watch is informing the Discharger of alleged violations of "an effluent standard or limitation," permit condition or requirement and/or "an order issued by the Administrator or a State with respect to such standard or limitation" under CWA § 505(a)(1), 33 U.S.C. § 1365(a)(1), the Code of Federal Regulations, and the Regional Water Quality Control Board, Los Angeles Region, Water Quality Control Plan ("Basin Plan"), as exemplified by the Discharger's unlawful discharges of pollutants from the film studios, news media buildings, parking lots, theme park, movie theatre and restaurants located at 100 Universal City Plaza in Universal City, California ("the Site") into the Los Angeles River – a water of the United States – without complying with any other required sections of the Act (*see* CWA § 301(a), 33 U.S.C. § 1311(a)).

The CWA regulates the discharge of pollutants into navigable waters. The statute is structured in such a way that *all* discharges of pollutants are prohibited with the exception of several enumerated statutory exceptions. Once such exception authorizes a discharger who has been issued a permit pursuant to the National Pollutant Discharge Elimination System ("NPDES") permitting system to discharge designated pollutants at certain levels subject to certain conditions. The effluent discharge standards or limitations specified in a NPDES permit define the scope of the authorized exception to the 33 U.S.C. § 1311(a) prohibition.

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The CWA requires that any notice regarding an alleged violation of an effluent standard or limitation, or of an order with respect thereto, shall include sufficient information to permit the recipient to identify:

1. The specific standard, limitation, or order alleged to have been violated.

The Act provides that, absent a permit and subject to certain limitations, “the discharge of any pollutant by any person shall be unlawful.” CWA § 310(a), 33 U.S.C. § 1311(a). River Watch has identified the discharge of pollutants from the Site to waters of the United States (the Los Angeles River) without complying with any other section of the Act, including CWA §§ 402(a) and 402(b), 33 U.S.C. §§ 1342(a) and 1342(b).

2. The activity alleged to constitute a violation.

River Watch contends the Discharger is discharging pollutants including the toxic metals copper, lead and zinc, as well as fecal and total coliforms, from the Site to the Los Angeles River without complying with any other sections of the Act.

This Notice includes any and all violations evidenced by the Discharger’s records and monitoring data for the Site which the Discharger has submitted (or failed to submit) to the RWQCB-LA and/or other regulatory agencies during the period November 9, 2010 through November 9, 2015. This Notice also includes any and all violations which may have occurred but for which data may not have been available or submitted or apparent from the face of the reports or data submitted by the Discharger to the RWQCB-LA or other regulatory agencies.

3. The person, persons or discharger responsible for the alleged violation.

The dischargers responsible for the alleged violations set forth in this Notice are Universal Studios Hollywood, Universal Studios LLC, NBCUniversal LLC and Comcast Corporation, collectively referred to in this Notice as the Discharger, as well as those other persons who hold an ownership or operating interest in Universal Studios Hollywood.

4. The location of the alleged violation.

The location of the various violations is the permanent address of Universal Studios Hollywood – 100 Universal City Plaza in Universal City, California, including the waters of the Los Angeles River – a water of the United States.

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5. The date or dates of violation or a reasonable range of dates during which the alleged activities occurred.

The CWA is a strict liability statute with a five-year statute of limitations. Although River Watch alleges the illegal discharges of pollutants from the Site have been occurring for more than the statutory five-year period, the range of dates covered by this Notice is November 9, 2010 to November 9, 2015. This Notice also covers all violations that may occur after the service of this Notice up to the day of trial should this case be litigated. Each discharge from the Site is a separate violation of the CWA. Some violations are continuous in nature, therefore each day constitutes a violation.

6. The full name, address, and telephone number of the person giving notice.

The entity giving this Notice is California River Watch, referred to herein as "River Watch." River Watch is an Internal Revenue Code § 501(c)(3) non-profit, public benefit corporation organized under the laws of the State of California with headquarters located in Sebastopol, California and offices in Los Angeles, California. The mailing address of River Watch's northern California office is 290 S. Main Street, #817, Sebastopol, CA 95472. The mailing address of River Watch's southern California office is 7401 Crenshaw Blvd. #422, Los Angeles, CA 90043.

River Watch is dedicated to protecting, enhancing, and helping to restore the surface and ground waters of California including rivers, creeks, streams, wetlands, vernal pools, aquifers and associated environs, biota, flora and fauna, and educating the public concerning environmental issues associated with these environs. River Watch may be contacted via email: US@ncriverwatch.org, or through its attorneys.

River Watch has retained legal counsel with respect to its concerns and the issues presented in this Notice. All communications regarding the same should be directed to:

Jack Silver, Esq.
Law Office of Jack Silver
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Santa Rosa, CA 95402-5469
Telephone: 707-528-8175
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David J. Weinsoff, Esq.
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Fairfax, CA 94930
Telephone: 415-460-9760
Email: david@weinsoff.com

BACKGROUND

The Site has been the location for movies and entertainment for at least a century, currently a theme park with rides based on popular Hollywood movies, a studio with movie sets, and the “University CityWalk” complex. The Site is part of a conglomerate – NBC and Universal merged in 2004, with Universal Studios Hollywood currently a unit of Universal Parks & Resorts – a division of NBCUniversal owned by the Comcast Corporation.

The Site abuts the Los Angeles River, a body of water approximately 51 miles long winding through southern California. Arroyo Calabazas and Bell Creek, on the western side of the San Fernando Valley, join to become the headwaters of the Los Angeles River. First flowing east, the River turns right at Griffith Park in Los Angeles and heads south past Glendale and downtown Los Angeles, crossing Lynwood and Compton, and emptying into the Pacific Ocean at Long Beach. Once fed by groundwater basins in the San Fernando Valley which bubbled up near present day Encino, the River nourished a lush coastal plain. The River was once the habitat of grizzly bear and dense Coast Live Oak groves which provided acorns for wildlife and native Californians. Native fish species included rainbow trout, Arroyo chub, river shrimp, chinook salmon, Sacramento pikeminnow, Pacific lamprey, and the Santa Ana sucker. The main source of drinking water for a young Los Angeles until 1914, the River was straightened, deepened, moved, and otherwise rebuilt by the U.S. Army Corps of Engineers into a concrete channel following numerous damaging floods in the 1930s.

The Los Angeles River is the heart of an 871-square mile watershed encompassing the Santa Susanna Mountains to the west, the San Gabriel Mountains to the north and east, and the Santa Monica Mountains and Los Angeles coastal plain to the south. Diverse patterns of land use exist in this watershed. Forest or open space covers the upper half, while the remaining watershed is highly urbanized with commercial, industrial, or residential uses. Twenty-two lakes are found within its boundaries, in addition to a number of spreading grounds including sites at Dominguez Gap, the Headworks, Hansen Dam, Lopez Dam, and Pacoima Dam. Fed primarily by snowmelt and urban discharge, it is one of the few low-elevation perennial rivers in southern California. In times of peak flow, the Los Angeles River carries as much water as 80 million garden hoses going full blast per second out to the Pacific Ocean.

Although popularly thought of as a desert, the Los Angeles basin is in fact a Mediterranean climate zone characterized by wet winters and long dry summers. The Mediterranean ecosystem exists on only 3% of the earth's land surface, and worldwide is more threatened than the rainforest. The ecosystem is one of the world's top ten "hotspots" of biodiversity.

The Los Angeles River supports over 300 species of birds along the Pacific Flyway. Shorebirds such as osprey, terns, killdeer, cormorants, the California brown pelican and California least tern (both federally endangered species) are in abundance in the River's estuaries during April and then from July to October. Other species thriving along the River include great blue herons, snowy egrets, black-crowned night herons, red-winged blackbirds, American coots, and both red-tailed and red-shouldered hawks. Current species of fish include carp, largemouth bass, tilapia, green sunfish, Amazon sailfin catfish, bluegill, channel catfish, fathead minnow, crayfish, and mosquito fish. The water quality in the middle and lower portions of the basin are impaired due to runoff from dense clusters of commercial, industrial, residential, and other urban activities. Impairments include pH, ammonia, metals, coliform, trash, algae, oil, pesticides, and volatile organics.

The Los Angeles River is CWA § 303(d) listed as impaired for indicator bacteria, pathogens, copper and zinc. Numerous point sources exist within the Site including storm drains and swales. Non-stormwater is discharged through these discrete conveyances and makes its way to outfalls directly discharging to the Los Angeles River. Unlawful discharges from the Site contain the toxic metals copper, lead, and zinc as well as fecal and total coliforms. The California Toxic Rule ("CTR") limit for copper is 9 µg/l continuous, 13 µg/l maximum; and for zinc is 120 µg/l continuous and maximum. Recent water sampling from the outfalls from the Site to the Los Angeles River measured 14.2 µg/l for copper and 908 µg/l for zinc. Flows were seen from these outfalls as being continuous in nature. Other pollutants included fecal and total coliform. All of the metals detected in sampling are among 126 "Priority Pollutants" (*see* 40 C.F.R. § 401.15).

For waters like the Los Angeles River which have not yet met water quality standards, the addition of unpermitted loads "contribute to excursions above water quality standards" since any additional discharge makes it that much more difficult to improve water quality to levels that satisfy those water quality standards. This is especially true of discharges that are not included in the loading calculations, such as those from commercial operations taking place on the Site.

The CWA's definition of "pollutant" is extremely broad (*see* CWA § 502(6), 33 U.S.C. § 1362(6); *Northern Plains Resource Council v. Fidelity Exploration and Development Company*, 325 F.3d 1155, 1162-1163 (9th Cir. 2003)). There is no dispute that the copper, lead and zinc, fecal and total coliform contained in discharges from the Site's stormwater system are pollutants as defined under the Act (*see Sierra Club v. Cedar Point Oil Company Inc.* 73 F. 3d 546, 566 (5th Cir. 1996) - the definition of "pollutant" is meant to leave out very little is confirmed by the statutory definition of "pollution," which means nothing less than the "man-made or man-induced alteration of the chemical, physical, biological, and radiological integrity of water." CWA § 502(19), 33 U.S.C. § 1362(19)).

Under the Act, "the term 'point source' means any discernible, confined and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft, from which pollutants are or may be discharged." CWA § 502(14), 33 U.S.C. § 1362(14). The Site's stormwater system clearly meets this definition (*see Northwest Env't'l Defense Ctr. v. Brown*, 640 F.3d 1063 at 1071 (9th Cir. 2011) - "Storm sewers are established point sources subject to NPDES permitting requirements..." quoting *Environmental Defense Center v. EPA*, 344 F.3d 832, 841-842 n. 8 (9th Cir. 2003)). The Ninth Circuit has ruled that the collection, channelization and release to a water of the United States is a "discharge" under the CWA (*see Committee to Save the Mokelumne v. East Bay Municipal Utility District*, 13 F.3d 305, 308-309 (9th Cir. 1993)).

Multiple sources of pollution generated through activities on the Site such as vehicular and building maintenance, landscaping and maintenance of grounds, sewage and garbage, make their way to a system of storm drains on the Site connected to the Los Angeles River. River Watch's ongoing investigation indicates a lack of any effective structural Best Management Practices ("BMPs") in place at the Site to prevent maintenance waters from coming into contact with pollutant sources and/or water treatment measures to prevent contaminants from being discharged from the Site without treatment in or around the storm drains.

Under EPA regulations, water quality standard based provisions are required in NPDES permits to protect the beneficial uses of water. 40 C.F.R. § 122.44(d). The Regional Water Quality Control Board, Los Angeles Region (RWQCB-LA) has identified beneficial uses of the waters in the region of the Los Angeles River and has established water quality standards for the Los Angeles basin. These beneficial uses include contact and non-contact recreation. Non-contact recreation use is defined as uses of water for recreational activities involving proximity to water, but not normally involving contact with water where water

ingestion is reasonably possible – such as picnicking, sunbathing, hiking, camping, boating, hunting, sightseeing, or aesthetic enjoyment in conjunction with those activities. Water quality considerations relevant to hiking, camping, boating, and activities related to nature studies require protection of habitats and aesthetic features.

The Basin Plan includes a narrative toxicity standard which states that all waters shall be maintained free of toxic substances in concentrations that are lethal or that produce other detrimental responses in aquatic organisms. The Basin Plan includes a narrative oil and grease standard which states that waters shall not contain oils, greases, waxes, or other materials in concentrations that result in a visible film or coating on the surface of the water or on objects in the water that cause nuisance, or otherwise adversely affect beneficial uses. The Basin Plan establishes Water Quality Objectives for toxic metals such as copper, lead and zinc.

The EPA adopted the National Toxics Rule on February 5, 1993 and the CTR on May 18, 2000. When combined with the beneficial use designations in the Basin Plan, these Rules contain water quality standards applicable to the discharges from the Site as identified in this Notice. The State Water Resources Control Board adopted the *Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California* on April 26, 2000, containing requirements for implementation of both the National Toxics Rule and the CTR.

River Watch alleges that from November 9, 2010 through November 9, 2015, the Discharger has violated the CWA by discharging pollutants from the Site into waters of the United States without complying with any other section of the Act, including CWA §§ 402(a) and (b), 33 U.S.C. §§ 1342(a) and (b). Each and every discharge is a separate violation of the CWA. Observations indicate that the discharges from the Site are continuous in nature, and therefore the violations of the CWA are continuous in nature. It also appears that every discharge to storm drains at the Site exceeds one or more applicable water quality standard.

CONCLUSION

CWA §§ 505(a)(1) and (f), 33 U.S.C. §§ 1365(a)(1) and (f) provide for citizen enforcement actions against any “person,” including individuals, corporations, or partnerships, for violations of NPDES permit requirements and for un-permitted discharges of pollutants. An action for injunctive relief under the CWA is authorized by CWA § 505(a), 33 U.S.C. § 1365(a). Violators of the Act are also subject to an assessment of civil penalties of up to \$37,500 per day/per violation for all violations pursuant to CWA §§ 309(d) and 505,

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33 U.S.C. §§ 1319(d), 1365, *see also* 40 C.F.R. §§ 19.1-19.4. River Watch believes this Notice sufficiently states grounds for filing suit against the Discharger in federal court under the “citizen suit” provisions of CWA to obtain the relief provided for under the law.

The violations by the Discharger as set forth in this Notice affect the health and enjoyment of members of River Watch who reside, work and recreate in the affected watershed area. River Watch’s members use the Los Angeles River and its watershed for domestic water supply, agricultural water supply, recreation, photography, nature walks and the like. Their health, property rights, and use and enjoyment of this area is specifically impaired by the Discharger’s violations of the CWA as described herein.

During the 60-day notice period, River Watch is willing to discuss effective remedies for the violations noted in this Notice. However, if the Discharger wishes to pursue such discussions in the absence of litigation, it is suggested that those discussions be initiated within the next **20 days** so that they may be completed before the end of the **60-day** notice period. River Watch does not intend to delay the filing of a lawsuit if discussions are continuing when that period ends.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Jack Silver", with a stylized flourish at the end.

Jack Silver

JS:lhbm

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Service List

Administrator
U.S. Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

✓ Regional Administrator
U.S. Environmental Protection Agency, Region 9
75 Hawthorne Street
San Francisco, CA 94105

Executive Director
Regional Water Quality Control Board, Los Angeles Region
320 W. 4th Street, Suite 200
Los Angeles, CA 90013

Executive Director
State Water Resources Control Board
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